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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,564	02/06/2002	Kimihito Watanabe	219097US2	2631
22850	7590	08/08/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TAN, ALVIN H	
		ART UNIT	PAPER NUMBER	2173

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/066,564	WATANABE ET AL.
	Examiner	Art Unit
	Alvin H. Tan	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,13-17,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,13-17,26 and 27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Remarks

1. Applicant's election without traverse of claims 1-8, 13-17, 26, and 27 in the reply filed on 5/25/06 is acknowledged.
2. Claims 1-8, 13-17, 26, and 27 have been examined and rejected.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: COMMUNICATION SYSTEM FOR TRANSMITTING, RECEIVING, AND DISPLAYING IMAGE AND ASSOCIATED IMAGE ACTION INFORMATION.

Claim Objections

4. Claims 5-8, 26, and 27 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8, 13-17, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The use of the term "character" in claims 1-8, 13-17, 26, and 27 may be interpreted to mean an image as well as text. Examiner suggests changing "character" to --image-- in the claim language to more clearly define the meaning of "character" as disclosed in Applicant's specification [page 3, lines 2-4].

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 13, 15-17, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishihata (Pub. No. US 2003/0011643).

Claim 1

8-1. Regarding claim 1, Nishihata teaches the claim of a system such that when a transmitting side transmits a character and its action designated by the transmitting side to a receiving side, the designated character performs the designated action on a screen on the receiving side, by disclosing a chat system that includes terminal devices, each including both an expression data control unit and a control data generating unit, wherein the terminal devices are capable of sending animation with speech text as the expression data to one another [*paragraph 31*].

Claims 2-4

8-2. Regarding claim 2, Nishihata teaches the claim of a system such that when a transmitting side transmits a character message comprising character information for designating a character, action information for designating an action of the character, and a text message to a receiving side, a screen on the receiving side having received the character message displays a motion picture of the character together with the text message, by disclosing that a user inputs text in a control input area [*figure 1*] and selects icons to generate control data for a display of an animated character which speaks and acts as the user wants it to, in such a manner that the user wants [*paragraph 58, lines 13-17*].

8-3. Regarding claim 3, Nishihata teaches the claim wherein when the receiving side receives character information for designating a character and action information for

designating an action of the character, a file related to the action of the character is selected from information recorded on the receiving side and is executed, by disclosing that each terminal includes a resource memory unit for storing animation display resources for both the character representing the user and also the character representing the other party [*paragraph 56, lines 11-13, figure 3; paragraph 65, lines 5-8*]. When a message is sent, the animation display unit of the receiver's terminal reproduces the animation specified by the control data in reference to the animation resource [*paragraph 73, lines 5-8*].

8-4. Regarding claim 4, Nishihata teaches the claim wherein the transmitting side effects a transmission to the receiving side through an administrator server, by disclosing that the terminals may communicate with each other over a network server [*paragraph 56, lines 18-20*].

Nishihata teaches that when the receiving side does not have the file related to the action of the character, the file is transmitted from the administrator server to the receiving side, by disclosing that a transmitting side may only send information, such as identification number which specifies animation resources, to a receiving computer in which case, the receiving computer retrieves the animation resources from the server [*paragraph 65, lines 9-15*].

Claim 13, 26

8-5. Regarding claim 13, Nishihata teaches the claim comprising a plurality of user terminals capable of communication using a predetermined communication software program and accessible to Internet, and an administrator server on line with Internet, by disclosing a plurality of user terminals connected over a network such as the Internet [*figure 2; paragraph 97*] which may communicate with each other via a network server [*paragraph 56*].

Nishihata teaches wherein each of the user terminals is capable of transmitting a character message comprising character information for designating a character, action information for designating an action of the character and a text message to another user terminal through Internet via the administrator server with use of the communication software program, by disclosing that a user inputs text in a control input area [*figure 1*] and selects icons to generate control data for a display of an animated character which speaks and acts as the user wants it to, in such a manner that the user wants and transmits it to receiving party's terminal [*paragraph 58*]. The terminals may communicate with each other via a network server [*paragraph 56, lines 18-20*] such as the Internet [*paragraph 97*].

Nishihata teaches said another user terminal having received the character message is capable of displaying an image of the character performing the action and the text message on a screen by selecting a motion picture file based on the character information and the action information received using the communication software program and executing the motion picture file, by disclosing that each terminal includes

a resource memory unit for storing animation display resources for both the character representing the user and also the character representing the other party [*paragraph 56, lines 11-13, figure 3; paragraph 65, lines 5-8*]. When a message is sent, the animation display unit of the receiver's terminal reproduces the animation specified by the control data in reference to the animation resource [*paragraph 73, lines 5-8*].

8-6. Regarding claim 26, Nishihata teaches the claim wherein any one of the terminals used by the users is a mobile terminal, by disclosing that the user terminals may be a mobile device [*paragraph 128*].

Claim 15-17

8-7. Regarding claim 15, Nishihata teaches the claim comprising terminals each of which is capable of using a communication software program for transmitting and receiving a character message comprising character information for designating a character, action information for designating an action of the character and a text message, by disclosing that a user inputs text in a control input area [*figure 1*] and selects icons to generate control data for a display of an animated character which speaks and acts as the user wants it to, in such a manner that the user wants and transmits it to receiving party's terminal [*paragraph 58*]. The terminals may communicate with each other via a network server [*paragraph 56, lines 18-20*] such as the Internet [*paragraph 97*].

Nishihata teaches displaying an image of the character performing the action and the text message on a screen in response to a receipt of the character message, by disclosing that animation based on the control data from the receiving terminal is displayed in the animation display area 100b [*figure 1*] and the animation of the control data generated by the user is displayed in animation display area 100a [*figure 1; paragraph 75*].

8-8. Regarding claim 16, Nishihata teaches the claim wherein the action information is capable of designating plural actions in a predetermined sequence, by disclosing the control data editing unit that allows a user to input a mixture of icons and text as control data [*paragraphs 67, 68*].

8-9. Regarding claim 17, Nishihata teaches the claim wherein communications are performed via an administrator server, by disclosing that the terminals may communicate with each other via a network server [*paragraph 56, lines 18-20*].

Nishihata teaches the terminal on a receiving side is capable of selecting a predetermined motion picture file from files recorded in the terminal on the receiving side based on the character information and the action information that are received by the receiving side terminal and executing the motion picture thus selected, by disclosing that each terminal includes a resource memory unit for storing animation display resources for both the character representing the user and also the character representing the other party [*paragraph 56, lines 11-13, figure 3; paragraph 65, lines 5-*

8]. When a message is sent, the animation display unit of the receiver's terminal reproduces the animation specified by the control data in reference to the animation resource [*paragraph 73, lines 5-8*].

Nishihata teaches when the motion picture file is not recorded in the receiving side terminal, the receiving side terminal is capable of downloading the motion picture file from the administrator server and executing the motion picture thus downloaded, by disclosing that a transmitting side may only send information, such as identification number which specifies animation resources, to a receiving computer in which case, the receiving computer retrieves the animation resources from the server [*paragraph 65, lines 9-15*].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihata (Pub. No. US 2003/0011643) and Isaacs et al (Pub. No. US 2002/0026483 A1).

Claim 7

10-1. Regarding claim 7, Nishihata teaches the invention substantially as claimed. See section 8-2. Nishihata does not expressly teach the claim wherein a receipt confirmation message is automatically transmitted back to the transmitting side when the receiving side checks the contents of the transmission received by the receiving side. Isaacs teaches a similar invention for facilitating communications among a number of distributed users who can send and receive instant messages. A determination is made if a message is received by a recipient and if so, a message acknowledgement is sent back to the message sender. The message acknowledgement will only be sent back to the message sender when the recipient has checked the contents of the transmission [paragraph 60, lines 7]. This prevents messages from being duplicated [paragraph 57].

Since Nishihata teaches an instant messaging system, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a receipt confirmation message back to the transmitting side when a message is received, as taught by Isaacs. This would prevent messages from being duplicated.

11. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihata (Pub. No. US 2003/0011643) and Microsoft Outlook 2000, as taught by Padwick et al (“Using Microsoft Outlook 2000”, 1999) and Microsoft Outlook 2000 Screen Caps (Copyright 1999), herein after Screen Caps.

Claim 8

11-1. Regarding claim 8, Nishihata teaches the invention substantially as claimed. See section 8-2. Nishihata does not expressly teach wherein a receipt confirmation message is automatically transmitted back to the transmitting side after the text message displayed on the screen on the receiving side is dismissed. Microsoft Outlook 2000 teaches a communication system where messages are sent and received by a user. When sending messages, a transmitting side can send meeting messages and invite other users by sending a meeting request message to a receiving side [*Padwick, pages 400-402, Inviting People to Meetings; Screen Caps, figures 1-2*]. The receiving side receives the message and responds to the message by choosing accept, tentative, or decline [*Padwick, page 402, Receiving a Request to Attend a Meeting; Screen Caps, figure 3*]. In each case, the user can choose to send a response [*Padwick, page 403; Screen Caps, figure 4*]. When the user selects to send the response, the meeting request message will close and the receiver will return back to the main window [*Screen Caps, figure 5*]. A message will be sent back to the transmitting computer notifying the user that the receiver has read and responded to the message [*Padwick, page 403; Screen Caps, figure 6*].

Since Nishihata teaches a communication system between users, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to transmit to a recipient, a message asking for a response, and sending a receipt back to the transmitting side after the recipient has responded to and dismissed the message,

as taught by Microsoft Outlook 2000. This would improve the communication system by notifying the transmitter that the receiver has read and responded to the message.

Claim 14

11-2. Regarding claim 14, Nishihata teaches the invention substantially as claimed. See section 8-5. Nishihata does not expressly teach wherein a receipt confirmation message is automatically transmitted back to the transmitting side after the text message displayed on the screen on the receiving side is dismissed. Microsoft Outlook 2000 teaches a communication system where messages are sent and received by a user. When sending messages, a transmitting side can send meeting messages and invite other users by sending a meeting request message to a receiving side [*Padwick, pages 400-402, Inviting People to Meetings; Screen Caps, figures 1-2*]. The receiving side receives the message and responds to the message by choosing accept, tentative, or decline [*Padwick, page 402, Receiving a Request to Attend a Meeting; Screen Caps, figure 3*]. In each case, the user can choose to send a response [*Padwick, page 403; Screen Caps, figure 4*]. When the user selects to send the response, the meeting request message will close and the receiver will return back to the main window [*Screen Caps, figure 5*]. A message will be sent back to the transmitting computer notifying the user that the receiver has read and responded to the message [*Padwick, page 403; Screen Caps, figure 6*].

Since Nishihata teaches a communication system between users, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to

transmit to a recipient, a message asking for a response, and sending a receipt back to the transmitting side after the recipient has responded to and dismissed the message, as taught by Microsoft Outlook 2000. This would improve the communication system by notifying the transmitter that the receiver has read and responded to the message.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihata (Pub. No. US 2003/0011643) and Kay et al (U.S. Patent No. 6,430,602).

Claim 27

12-1. Regarding claim 27, Nishihata teaches the invention substantially as claimed. See section 8-1. Nishihata further teaches presenting instant messaging text in a balloon as shown in *[figure 1]*. Nishihata does not expressly teach wherein a start-up software program for starting up any desired software program is embedded in at least one of the character and a balloon. Kay teaches that instant messaging services often simultaneously use Internet browsers to access web pages and that it is common for instant message users to forward a link to a web page of interest via the instant messaging service to another user *[column 2, lines 8-11]*. This provides a means to access and retrieve data from the Internet that may be relevant to the conversation between users.

Since Nishihata teaches an instant messaging system, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow users to embed hyperlinks with the text messages for opening browsers in order to gain

access to web pages, as taught by Kay. This would give users additional capability by providing access to information on the Internet that may be relevant to the conversation.

Allowable Subject Matter

13. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter:

Examiner has carefully considered claim 5. None of the cited arts of records discloses, suggest, nor teaches a system that when the receiving side is not ready to receive the character message that is transmitted from the transmitting side via the administrator server, the administrator server converts the text message into an electronic mail, attaches the character information and the action information to the electronic mail as attachments and transmits the electronic mail to the receiving side.

Nishihata teaches the claim wherein communications are performed via an administrator server, by disclosing that the terminals may communicate with each other over a network server [*paragraph 56, lines 18-20*]. Nowhere does Nishihata teach when the receiving side is not ready to receive the character message that is transmitted from the transmitting side via the administrator server, the administrator server converts the

text message into an electronic mail, attaches the character information and the action information to the electronic mail as attachments and transmits the electronic mail to the receiving side.

Examiner has carefully considered claim 6. None of the cited arts of records discloses, suggest, nor teaches a system that wherein the character displayed on the receiving side temporarily suspends its action while the text message is being displayed in a message box and then resumes its action after the message box is dismissed.

Conclusion

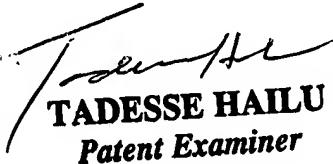
15. The prior art made of record on attached form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R § 111(c) to consider these references fully when responding to this action. The documents cited therein teach similar systems for a communication system wherein image and image action information is transmitted between users.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin H. Tan whose telephone number is 571-272-8595. The examiner can normally be reached on Mon-Thu 9:30-7 and alternating Fridays 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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